

ORDINANCE NO. 13457

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 26, ARTICLE I, SECTION 26-22, BY DELETING THE CAPTION “RESERVED” AND ADDING A NEW HEADING ENTITLED, “NON-MOTORIZED WATERCRAFT PUBLIC LAUNCH ACCESS.”

WHEREAS, The City of Chattanooga is known as a vibrant outdoor city where its citizens and visitors regularly enjoy its public waterways for recreation and exploration; and

WHEREAS, The City of Chattanooga through the Open Spaces Division of the Economic and Community Development Department (“Open Spaces Division”) seeks to provide a safe and consistent service to the general public reflecting the high standards of the Open Spaces Division and community expectations; and

WHEREAS, in light of the growing popularity of non-motorized rental watercraft equipment, the Chattanooga City Council deems it necessary to ensure commercial businesses procure adequate liability insurance and risk management processes when providing their services to access designated launch points within Chattanooga’s public parks.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF CHATTANOOGA, TENNESSEE,

Section 1. That Section 26-22 of the Chattanooga City Code is hereby amended by deleting the caption “Reserved” and adding the following new Section:

Sec. 26-22. Non-Motorized Watercraft Public Launch Access.

(a) Launch Access Permit

(1) It shall be unlawful for anyone to operate a business for non-motorized watercraft (canoes, kayaks or paddle boards and related accessories) services for use at public boat launch points without having secured a permit (“Launch Access Permit”). An approved Launch Access Permit shall grant to the business the nonexclusive right to provide launch access for water-based activities at the following designated public boat launch locations.

- (a) Coolidge Park – Market Street Bridge/TN River
- (b) Coolidge Park – Tremont Street/TN River
- (c) Rivermont Park boat ramp/TN River
- (d) Sterchi Farm paddle launch/South Chickamauga Creek

- (e) Greenway Farm North/North Chickamauga Creek
- (f) Greenway Farm South/North Chickamauga Creek
- (g) Hixson – Longview Drive/North Chickamauga Creek

(collectively, the “Launch Access Points”).

(2) A Launch Access Permit for use at the Launch Access Points shall not be granted until an application and submission of required documents and payment is completed. Applications shall be made available by the Open Spaces Division.

(3) A completed application for a Launch Access Permit shall include an equipment maintenance plan, monitoring plan (for current water level, other river conditions and inclement weather), rescue plan for assisting and rescuing people who are unable to safely return and commitment to require a mandatory release of liability waiver signed by all participants.

(b) Fee

(1) Each non-motorized watercraft business shall pay to the Open Spaces Division a non-refundable flat fee of \$250.00 annually for the period between January 01 through December 31, as compensation for the Launch Access Permit and for the privilege of providing services at the Launch Access Points.

(2) The Launch Access Permit fee should be submitted to the Director of the Open Spaces Division.

(3) The fee for Launch Access Permits may be changed by the Chattanooga City Council as deemed necessary.

(c) Operations and maintenance generally

(1) Each business shall continuously have on file with the City a statement fully disclosing those natural persons owning, leasing or having an ownership or leasehold interest in the business operation, and those natural persons who shall be principally responsible for its operation or who in any manner assist with the business operation.

(2) All equipment shall be maintained so as to promote an attractive appearance and to ensure safety of operation and quality of services.

(3) During the term of the Launch Access Permit, businesses shall be allowed access to the Launch Access Points during normal park hours.

(4) No business shall alter or deter normal use of water access to other individuals, groups, programs, tours or events. The Launch Access Points shall remain publicly open facilities at all times.

(5) All businesses and their designated employees shall be required to obtain a CPR certification or water safety certification recognized by the American Red Cross. Proof of certification must be provided with the permit application and upon request.

(6) There shall be no storage of equipment or materials at the Launch Access Points.

(7) The sale or rental of equipment related to water-based activities shall not be permitted on City property or at the Launch Access Points.

(d) Insurance

On or before the date of execution of the Launch Access Permit, the business, at its own cost and expense, shall provide the Director of the Open Spaces Division with the evidence of insurance that complies with the insurance provisions contained in the City's Standard Terms and Conditions.

(e) Permit Suspension and Revocation

A Launch Access Permit issued under the provisions of this section may be revoked or suspended by the Director of the Open Spaces Division if the permittee thereof:

- (1) Violates any of the provisions of this section; or
- (2) Changes its address, company name, officers, ownership or otherwise makes any material change in the company or its identity from that set forth upon the initial application for a Launch Access Permit.

(f) Civil Penalty

A civil penalty of \$50.00 per violation shall be imposed for a violation of this section. Operating without a permit may incur a penalty of up to \$50.00 per violation.

(g) Passenger Vehicle For Hire Board

The Passenger Vehicle For Hire Board ("PVH Board") is hereby designated to hear and decide all appeals from the Director of the Open Spaces Division related to the suspension, revocation or denial of a Launch Access Permit. The PVH Board shall hear such appeals at the time and place fixed by the PVH Board for its regular monthly meeting or at such other meetings as may be called by the Chairman or established by the PVH Board. The City Attorney or his/her designated representative shall be present at each meeting. The PVH Board membership, jurisdictional power and board procedures are set forth in City Code Section 35-17 and adopted herein by reference, which shall be supplemented by the authority to review applications for Launch Access Permits in this Section.


SECTION 2. That this Ordinance shall take effect immediately after its passage.

PASSED on Second and Final Reading: May 7, 2019



CHAIRPERSON

APPROVED: ✓ DISAPPROVED: _____



MAYOR

VLM/mss/kap/mem/v11/Alternate Version